

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
*Executive Director*

*Southern District of New York*  
Jennifer L. Brown  
*Attorney-in-Charge*

August 11, 2021

*By e-mail and ECF*

Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

Re: *United States v. Medghyne Calonge*, 20 Cr. 523 (GHW)

Dear Judge Woods:

I write to respectfully provide the Court with copies of Defendant's Exhibits A through I, along with a stipulation marked as Defendant's Exhibit X. As set forth in the stipulation, Exhibits A through I are true and correct copies of electronic messages that were sent between Ms. Calonge's e-mail addresses and various 1-800 Accountant employees on June 28, 2019.

As part of defendant's case, I plan on introducing these exhibits through a paralegal in our office. The Government has indicated that it objects to their admission.

To the extent the Government's objection is grounded in hearsay, none of the statements in these e-mails are being offered to prove the matters asserted, and are thus not hearsay. *See Fed. R. Evid. 801.*

We seek the introduction of Defense Exhibits G and H to show that these e-mails were received by an employee of 1-800 Accountant at 1:15 p.m. and 1:21 p.m. Pacific Standard Time, respectively, which correlates to 4:15 p.m. and 4:21 p.m. Eastern Daylight Time. Testimony elicited at trial established that this was within the period of time that Ms. Calonge was being terminated and monitored by Mr. Cashman and Mr. Wade. The fact that these e-mails were sent at this time from Ms. Calonge's e-mail is relevant to rebut the witnesses' testimony that Ms. Calonge was deleting data from her computer (based on their observation of her pressing keys on the computer, while not being able to see the screen).

Alternatively, these e-mails are admissible as present sense impressions under Fed. R. Evid. 803(1) (excluding from the rule against hearsay "a statement describing or explaining an event or condition, made while or immediately after declarant perceived it"). Here, the statements "Amy is terminating me right now on the phone," *see Ex. G*, and "I am following up because Amy said that she's terminating me," *see Ex. H*, are both statements describing an event made while or immediately after Ms. Calonge perceived it.

Honorable Gregory H. Woods  
June 14, 2021

Page 2

Re: *United States v. Medghyne Calonge*, 20 Cr. 523 (GHW)

We seek the introduction of Defense Exhibits A through F and I to rebut the Government's expected argument that Ms. Calonge contacted Melissa Fernandez of Jazz HR on June 27, 2019 to learn about "bulk action" because she was planning to exact revenge on 1-800 Accountant, and wanted to learn how she could delete a large amount of files. These e-mails are not being offered for the truth of any of the statements contained therein, but instead to demonstrate that Ms. Calonge spent the day doing work, thus tending to make it less probable that Ms. Calonge was plotting her revenge.

Alternatively, these e-mails are admissible under Rule 803(3), which excludes from the rule against hearsay a statement "of the declarant's then-existing state of mind (such as motive, intent or plan)", as it can be inferred from these e-mails that Ms. Calonge's state of mind was not that of a person plotting revenge.

Respectfully submitted,

/s/  
\_\_\_\_\_  
Martin Cohen  
Ass't Federal Defender  
(212) 417-8737

Cc. Timothy Capozzi, Esq.  
Louis A. Pellegrino, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA :  
: 1-800 ACCOUNTANT E-MAIL  
- v - : STIPULATION  
: MEDGHYNE CALONGE, : 20 Cr. 523 (GHW)  
: Defendant. :  
----- X

IT IS HEREBY STIPULATED AND AGREED by and between MEDGHYNE CALONGE, the defendant, by her counsel, Martin Cohen, Esq., and Marisa Cabrera, Esq., and the United States of America, by AUDREY STRAUSS, United States Attorney, Timothy Capozzi and Louis A. Pellegrino, Assistant United States Attorneys, of counsel, that:

1. If called to testify at trial, a representative of 1-800 Accountant would testify that the electronic communications printed and marked as Defense Exhibits A through I are true and correct copies of electronic messages to or from the e-mail addresses mcalonge@1800accountant.com or mcalonge2007@yahoo.com sent on June 28, 2019, and were stored in the ordinary course of business by 1-800 Accountant.

2. The representative of 1-800 Accountant would further testify that the times noted on Defense Exhibits A through F, and Defense Exhibit I, are in Eastern Daylight Time, and that

DEFENDANT'S  
EXHIBIT  
X

the times noted on Defense Exhibits G and H are in Pacific Standard Time, which is three hours earlier than Eastern Daylight Time.

3. As regards to all defense exhibits that are the subject of the stipulation, the Government reserves its right to object to admissibility under, among other things, Federal Rules of Evidence 401, 403, and 802.

4. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Defense Exhibit X, may be received into evidence as a Defense Exhibit at trial.

Dated: New York, New York  
August 6, 2021

By: /s/ Martin Cohen  
MARTIN COHEN, Esq.  
MARISA CABRERA, Esq.  
Attorneys for Medghyne Calonge

/s/ Timothy V. Capozzi  
TIMOTHY V. CAPOZZI  
LOUIS A. PELLEGRINO  
Assistant United States Attorneys

---

**From:** mcalonge@1800accountant.com  
**Sent:** Friday, June 28, 2019 2:20 PM  
**To:** 'Brendon Pack'  
**Subject:** RE: Sales Managers

Hi Brendon,

Thank you for the feedback.

Sounds good.

I will proceed to making this a priority accordingly, and will also make sure to send you weekly updates on this as well.

Thank you,

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: 727.214.2640

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)

[St. Petersburg, FL 33716](#)

---

**From:** Brendon Pack <bpack@1800accountant.com>

**Sent:** Friday, June 28, 2019 2:05 PM

**To:** Medghyne Calonge <mcalonge@1800accountant.com>

**Subject:** RE: Sales Managers

Medghyne,

Hiring for Sales Manager should always be a high priority. It is extremely difficult to get solid candidates who fit for that role within our organization which is why we need to always have an ad out that is refreshed regularly. We should be screening and interviewing for this role every week.

Brendon Pack  
260 Madison Avenue Suite 1001 | New York, NY 10016  
T: (646) 780-1860 E: [bpack@1800accountant.com](mailto:bpack@1800accountant.com)



---

**From:** [mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com) [mailto:[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)]

**Sent:** Thursday, June 27, 2019 3:03 PM

**To:** 'Brendon Pack' <[bpack@1800accountant.com](mailto:bpack@1800accountant.com)>

**Cc:** 'Michael Brown' <[michaelbrown@1800accountant.com](mailto:michaelbrown@1800accountant.com)>

**Subject:** RE: Sales Managers

**Importance:** High

DEFENDANT'S  
EXHIBIT  
A

Brendon,

The current posting status of our sales manager job ad is live and active with viable candidates of which are being actively worked upon.

As a company we post our jobs postings on Jazz HR and through Jazz HR, our job ads get picked up by Indeed, as well as Linked In, Zip Recruiter, Google boards,, Glassdoors, Neuvoo Job, Job Inventory, Juju, Oodle, and Trovit - are known to be the main ones as Jazz HR partners with them.

Currently, there are some pretty good candidates that are in the pipeline of which I will submit the qualified solid ones to you after I finalize their face to face interviews by Wednesday of next week at the latest.

Additionally, our postings are refreshed every 90 days, for refreshing a job ad prior to the 90 day mark can cause the job boards to black list it, our current ISM posting have been open for 70 days. I will make certain to refresh it in order to keep our posting live fresh and up to date.

Last but not least, given that there are currently some solid candidates in the pipeline through Jazz HR, additional efforts for specific head hunting doesn't appear to be a main need but will take precedence if the current candidates turn out to be not as solid.

In conclusion, I am confident that I will be able to submit some pretty solid candidates over to you soon with the ones that I currently have lined up.

I look forward to providing you with that update very soon.

Best Regards,

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)

[St. Petersburg, FL 33716](#)

---

**From:** Brendon Pack <[bpack@1800accountant.com](mailto:bpack@1800accountant.com)>

**Sent:** Thursday, June 27, 2019 4:22 PM

**To:** Michael Brown <[michaelbrown@1800accountant.com](mailto:michaelbrown@1800accountant.com)>; Medghyne Calonge <[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)>

**Subject:** Sales Managers

Hello,

What is the current posting status of our sales manager job ad? Where do we post, how often is it refreshed, etc.? Also, what headhunting are we doing for sales manager candidates? We need some solid candidates.

Brendon Pack  
260 Madison Avenue Suite 1001 | New York, NY 10016  
T: (646) 780-1860 E: [bpack@1800accountant.com](mailto:bpack@1800accountant.com)



[REDACTED]

---

**From:** mcalonge@1800accountant.com  
**Sent:** Friday, June 28, 2019 3:00 PM  
**To:** 'Brendon Pack'  
**Subject:** Today's Follow-Up (Lending Point)

Brendon,

Kayla recently stopped by the HR office and yelled at me, rolled her eyes and head and left after accusing me of doing something that I did not do – this is ridiculous.

I had to take a second and ask myself if I was in high school or at a professional office.

She has been upset with me since last Friday, I don't mind push back but the only reason that she's been so upset is because of the email that I sent her on last Friday about not clocking out after she left the office for almost two hours. She got even more upset today because she's thinking that I had asked one of her reps for her today – which appears to me that she might be paranoid knowing that HR will observe key staff office absences.....

I understand that she's upset but to come in here and take it out on me like this is not necessary.

On my 2<sup>nd</sup> day here, Amy made a point to tell me and I quote: "Kayla is one of our key senior manager here she's been here for 6 years, she's a single mom and she's Brendon's right hand person so don't fuck with her"

That was one of the main reasons as to why I thinking about resigning on my 2<sup>nd</sup> day.

I stayed, as I don't believe Amy meant anything bad by it, but it was still kind off and tough to hear that on my 2<sup>nd</sup> day of employment from our Director of Operations.

Over all, I have gone above and beyond to work with all managers and connected with Kayla which I grew to really like; but I am also by the book and will enforce our company guidelines accordingly as that is part of my job - No one is above the law or company policies.

Lately with the enforcement of the time clock, I understand that those who haven't been acting right are upset, but what Kayla just did was really unnecessary and very petty – we are really too busy for this kind of non-sense.

I will bcc you shortly on the email chain – titled lending point.

Regards,

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: 727.214.2640

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)

St. Petersburg, FL 33716

DEFENDANT'S  
EXHIBIT

B

---

**From:** mcalonge@1800accountant.com  
**Sent:** Friday, June 28, 2019 3:00 PM  
**To:** 'Kayla Boles'  
**Subject:** FW: Lending Point Question Follow-Up  
  
**Importance:** High

Kayla,

As a key and senior manager coming into an HR office like you just did really is not necessary we all have way too much work to do ...I am reaching out to you to kindly request that we please continue to work together as a team with civility.

Once again, I did not ask Christal for you, sometimes between 12:20pm and 1:00pm, I was on my way to the ladies' room and Christal stopped me in the walk way of the sales floor and asked me if I knew where you were, and I told her that you're probably at lunch or in a meeting. She expressed some difficulties that she was having about lending point and I told her that - You would be the best point of contact and to check again in 30 minutes.

I don't have any need to ask anyone for you, if I need you again I can always G-Chat you or call you.

I understand that you're maybe upset from possibly last Friday but to take your frustrations out on me like that is not necessary and quite frankly unprofessional. I have done nothing but try to work with every manager as best as possible – especially you.

If you believe that there are some concerns, then let's sit down together and discuss/address them professionally together. I look forward to your feedback, in the mean time please know that you will continue to receive the same kind and professional camaraderie that you have been receiving from me from my 1<sup>st</sup> day here with continuous support.

Best Regards,

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: 727.214.2640

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)

[St. Petersburg, FL 33716](#)

---

**From:** mcalonge@1800accountant.com <mcalonge@1800accountant.com>  
**Sent:** Friday, June 28, 2019 1:42 PM  
**To:** 'Christal Ulsh' <culsh@1800accountant.com>; 'Kayla Boles' <kboles@1800accountant.com>  
**Subject:** Lending Point Question Follow-Up  
**Importance:** High

Good Afternoon Christal,

Following up as Kayla recently stopped by and shared that you said I was looking for her.

DEFENDANT'S  
EXHIBIT  
C

Thanks but I have Kayla's number if I need her or I would just g-chat her 😊

On my way to the ladies' room earlier, you asked me if I knew where Kayla was and I shared that she's probably at lunch or in a meeting and to check again in 30 minutes.

I know you had some questions about lending point but Kayla will be your best point of contact for now for matter as such..

She's apparently back now and available, and I'm sure that she will be more than happy to assist you.

If you need any HR assistance, then I will be more than happy to help you 😊

Please keep up the great job and have a wonderful day!

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: **727.214.2640**

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

**[800 Carillon Parkway Suite 250](#)**

**[St. Petersburg, FL 33716](#)**

---

**From:** mcalonge@1800accountant.com  
**Sent:** Friday, June 28, 2019 3:01 PM  
**To:** 'Brendon Pack'  
**Subject:** Clocking In Concerns Update  
  
**Importance:** High

Brendon,

Last week – Emily, Michael Brown, Mark Stephens, and JT all requested assistance with their time adjustments. I verified as much as possible and informed them that I would proceed with doing their time their time this one final time as a courtesy.

One of the concerns that I had with Michael Brown's time as he requested two one for the job fair and the other because he forgot – well Jeremy also went to the job fair and Jeremy said that he left the job fair at 2pm and Michael Brown on the other hand requested 10-5:30pm for the job fair – maybe he stayed there later -I accommodate that for him not a biggie – moving forward.

JT also asked me to put in time for him for Friday and claimed that he worked from the hospital on Friday, and I told him that I would not as the clock have to be for hours worked in the office only; but I did update his time for him for Tuesday because he missed a clock out punch.

Again, I made it clear to all 4 of them, that I could not adjust their time anymore in the clock and did so as a final courtesy and reminded them to please continue clocking in and out each day in real time as deductions would start incurring. They all expressed gratitude.

Also yesterday, JT and Cash both left the office for well over 1 hour and did not clock out, I sent them a reminder about it on earlier today.

Well Today, Emily G-Chatted me and asked me to adjust her time for her – below was her request

“Morning!

I followed Fong home this morning. She was feeling dizzy and sick. I didn't want her to drive alone. I left at 9:35 am and returned at 10:03 AM. Can you please fix my time for me?”

She sent me the request at 10:50am, when I asked her why she didn't clock in when she returned at 10:03am, she claimed that she forgot and clocked in when she remembered.

So I reached out to security and security told me that they don't have any record of Emily swiping her badge today – below is security's response. I am not able to check the cameras on my phone...I have to get a new phone.

Given that this can't be proven I will follow-up and tell Emily no and that the 10:46am return time clock in time will have to stay. I know that she will not be happy, but I did one final courtesy accommodation for a few managers on last week including her, and that pretty much stays there – our managers need to abide by this policy once and for all.

Given all of the concerns surrounding managers and this time clock issue- I thought it would be significant to share the above with you, as well as to keep you in the know. I will bcc you as well on my response to Emily...

DEFENDANT'S  
EXHIBIT  
D

Regards,

Medghyne Calonge | Human Resources Manager  
<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)  
[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)  
[St. Petersburg, FL 33716](#)

---

**From:** mcalonge@1800accountant.com <mcalonge@1800accountant.com>  
**Sent:** Friday, June 28, 2019 11:32 AM  
**To:** 'Michael Hertzman' <Michael.Hertzman@RaymondJames.com>; 'Marcel Marchand' <marcel.marchand@raymondjames.com>; 'RJContinuum05' <CorpSecurity@RaymondJames.com>  
**Subject:** RE: Security Badge Check Request

Hello Michael,

Thank you very much for your help and time with this.

Best Regards,

Medghyne Calonge | Human Resources Manager  
<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)  
[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)  
[St. Petersburg, FL 33716](#)

---

**From:** Michael Hertzman <[Michael.Hertzman@RaymondJames.com](mailto:Michael.Hertzman@RaymondJames.com)>  
**Sent:** Friday, June 28, 2019 11:19 AM  
**To:** [mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com); Marcel Marchand <[marcel.marchand@raymondjames.com](mailto:marcel.marchand@raymondjames.com)>; RJContinuum05 <[CorpSecurity@RaymondJames.com](mailto:CorpSecurity@RaymondJames.com)>  
**Subject:** RE: Security Badge Check Request

Medghyne,

I ran an access report on the past 24 hours for Emily and the most recent time she used her badge was yesterday at 5:25 PM to exit. There is no record of her badging into the building today.

**Michael Hertzman**  
Access Control Specialist  
Corporate Security & Investigations

**RAYMOND JAMES**  
880 Carillon Parkway Saint Petersburg, FL 33716  
Work Phone: (727) 567-2852

**FOR IMMEDIATE ASSISTANCE (727) 567-7770**

---

**From:** [mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com) [mailto:[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)]

**Sent:** Friday, June 28, 2019 11:04 AM

**To:** Marcel Marchand; Michael Hertzman; RJContinuum05

**Subject:** Security Badge Check Request

**Importance:** High

Good Morning Security Team,

I need your help double checking when one of my employees reentered the building.  
It will be really good if you can help me get access to this daily, but until then please double check when Emily Southmayd reentered the building today

Was it 10:03am or 10:43am?

I look forward to your feedback on this as soon as possible.

And of course, please note that this is a confidential request and response should only come back to me.

The only person that can know about this request is Mr. Brendon Pack only.

Thank you for your help and prompt response to this matter.

Best Regards,

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)

[St. Petersburg, FL 33716](#)

To ensure compliance with requirements imposed by the IRS, we inform you that any US federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein. If you are not the original addressee of this communication, you should seek advice based on your particular circumstances from an independent advisor. This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

---

**From:** mcalonge@1800accountant.com  
**Sent:** Friday, June 28, 2019 3:06 PM  
**To:** 'Emily Southmayd'  
**Subject:** Clock Time Adjustment Request

**Importance:** High

Good Afternoon Emily,

I am sorry but I will not be able to adjust your time from 10:46am back to 10:03am as there is no way to verify this. I apologize for any inconvenience, and thank you for your understanding.

I understand that a possible time clock punch can be missed once in a blue moon and adjustments will be considered with verifiable proof.

But given the recent problems surrounding this time clock situation, I can be held liable and get in trouble if I do adjustments as such.

Best Regards,

Medghyne Calonge | Human Resources Manager

<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250](#)

[St. Petersburg, FL 33716](#)

DEFENDANT'S  
EXHIBIT  
E

**From:** Brendon Pack [mailto:[bpack@1800accountant.com](mailto:bpack@1800accountant.com)]

**Sent:** Friday, June 28, 2019 10:56 AM

**To:** Medghyne Calonge <[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)>

**Cc:** Amy Gaspari <[agaspari@1800accountant.com](mailto:agaspari@1800accountant.com)>

**Subject:** RE: Follow-up per your request

Medghyne,

We will never get compliance unless there is a penalty for not properly clocking-in/out.

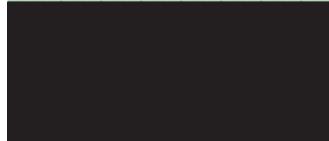
1. Clocking-In/Out

- a. If someone fails to clock-out, I would just automatically pay them for only 4 hours. This way they know there is a substantial dis-incentive for failing to follow proper procedure. We can't be there nannies, these are paid professionals, we need to keep our expectations high and demand accountability. Please add this to our employee policies.
- b. If they fail to clock-in, they are not compensated for the day.
- c. I don't think we need to send a memo every time we make a change. Can't we just update the policy or have them agree to our updated policy when they next login to Namely? Having to send a memo or having them sign a physical document just seems outdated, we need an easier process to minimize friction.
- d. I would prefer not to pay a manager their full base if they don't work 40 hours/week but we obviously need to ensure complete compliance with whatever the law is in this regard.
- e.

Brendon Pack

260 Madison Avenue Suite 1001 | New York, NY 10016

T: (646) 780-1860 E: [bpack@1800accountant.com](mailto:bpack@1800accountant.com)



---

**From:** [mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com) [mailto:[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)]  
**Sent:** Friday, June 28, 2019 10:48 AM  
**To:** 'Brendon Pack' <[bpack@1800accountant.com](mailto:bpack@1800accountant.com)>  
**Subject:** Follow-up per your request  
**Importance:** High

Hi Brendon,

Following up on the below:

**“What is the current company policy around someone not clocking out for the day?”**

- Currently there is no policy around that, I have been working with the managers as collectively as possible as you may know to improve on the proper maintenance and usage of the time clock all together.

**"How is that treated?"**

- Lately final reminders have been given.

**"If we don't have a policy let's send out a memo creating one. If you fail to clock in it will be no pay, and if you fail to clock-out, it will be considered a half-day and your base salary will be calculated according to that half-day. I want to start impacting their paychecks if they fail to clock-out during the day."**

- I agree with the memo, as though harsh- yet I believe that it will be effective to provide a solution around this for all, as once people know that their money will be impacted, they won't forget at least not as often.

**Also, if a manager does NOT work 40 hours during the week, are they still paid their full base salary?**

- Yes, if a manager does not work 40 hours during the week, they are getting paid their full base salary. By Florida law, a salaried employee working a minimum of 32+ hours is considered full time. Most of our managers do work 40 hours a week, occasionally there will be one that computes 37/38 hours or so more or less – but for the most part they tend to work 40 hours.

**"I want to begin enforcing their hours worked so that their pay is impacted if they work less than 40 hours per week."**

- That can be enforced as an internal company policy by notifying all employees with advance notice as well as by updating the company handbook to reflect. Given that most of our management team pretty much works 40 hours or more a week, or as close to 40 as possible, is this something that you still want to enforce now, or are you okay with observing the progress some more, given that you recently sent out a memo to all managers on earlier this week emphasizing the importance of working their full 40 hours every week.

**How do we implement to ensure their base comp is cut for failing to clock-out and not working 40 hours/week?**

- My suggestion is to proceed with enforcing the clock in and clock out issue as that seems to be biggest problem, and let's table the 40 hours minimum work requirement some more...

- I would send out a memo stating the following:

"Please note that effective 7/15/19, failure to clock in and out for the day will result in ½ days' worth of pay. Also please remember the importance of entering the building with your own badge for security purposes. Time adjustment considerations can be granted in occasional cases with clear and verifiable proof."

Please let me know if you will approve the above to be sent out and to be enforced as well if making any edit that you see fit to be added to the memo, also if you prefer the memo to be effective on 7/1 or 7/15.

I look forward to your feedback.

Regards,

**Medghyne Calonge | Human Resources Manager**

<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[800 Carillon Parkway Suite 250  
St. Petersburg, FL 33716](#)

--

**Amy Gaspari | Director of People Operations**

1.800.222.6868 ext. 1862

[agaspari@1800accountant.com](mailto:agaspari@1800accountant.com)

260 Madison Avenue 10th Floor  
New York, NY 10016

1-800ACCOUNTANT™



[Click here to schedule a call with me!](#)

DEFENDANT'S  
EXHIBIT  
G

----- Forwarded message -----

From: **Medghyne Calonge** <[mcalonge2007@yahoo.com](mailto:mcalonge2007@yahoo.com)>  
Date: Fri, Jun 28, 2019 at 1:15 PM  
Subject: Amy is terminating me  
To: [bpack@1800accountant.com](mailto:bpack@1800accountant.com) <[bpack@1800accountant.com](mailto:bpack@1800accountant.com)>

Brendon,

Amy is terminating me right now on the phone

Did you approve this?

To ensure compliance with requirements imposed by the IRS, we inform you that any US federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein. If you are not the original addressee of this communication, you should seek advice based on your particular circumstances from an independent advisor. This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

DEFENDANT'S  
EXHIBIT  
H

----- Forwarded message -----

From: **Medghyne Calonge** <[mcalonge2007@yahoo.com](mailto:mcalonge2007@yahoo.com)>  
Date: Fri, Jun 28, 2019 at 1:21 PM  
Subject: HR Calonge Wrongful Termination  
To: [bpack@1800accountant.com](mailto:bpack@1800accountant.com) <[bpack@1800accountant.com](mailto:bpack@1800accountant.com)>  
Cc: Amy Gaspari <[agaspari@1800accountant.com](mailto:agaspari@1800accountant.com)>

Brendon,

I am following up because Amy said that she's terminating me

I did everything right and yet I'm being terminated

Would really like your feedback before terminated

Or at least your presence

To ensure compliance with requirements imposed by the IRS, we inform you that any US federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein. If you are not the original addressee of this communication, you should seek advice based on your particular circumstances from an independent advisor. This message (including any

attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.



DEFENDANT'S  
EXHIBIT  
I



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



---

**From:** [mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com) [mailto:[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)]  
**Sent:** Friday, June 28, 2019 8:19 AM  
**To:** 'Amy Gaspari' <[agaspari@1800accountant.com](mailto:agaspari@1800accountant.com)>; [nwimberly@1800accountant.com](mailto:nwimberly@1800accountant.com)  
**Cc:** 'Brendon Pack' <[bpack@1800accountant.com](mailto:bpack@1800accountant.com)>  
**Subject:** The Commissions Overpayment - Aftermath Suggestion

Good Morning,

Hope all is well.

Following up to make a suggestion...

In the event that we ever have to do this again in the future - please allow me to be the main point of contact here on the grounds because a lot of chaos unveiled after Jen shared the commission sheet details with the sales managers, the sales managers went to their team and verbally told some of them how much was going to be recuperated, a few minutes ago I had a sales rep run in here not happy because his manager told them that the company was going to recoup \$2,000+ from his commission check.

In addition, I had sales managers tell their team not to sign when they go into HR office... I respect their opinion, but when we have members of the management team and key personnel do such and say some of the things that I heard them say on yesterday it present us in a bad light of chaos and dysfunction.

I understand that there may be disagreements behind closed doors and amongst us, but during those times I believe that it's important to remain united as a team.

At any rate, I calmed the employee down and wished him a happy day full of sales.

Moving forward, I will send out those emails later today right before/at 5pm as previously confirmed.

Thank you for your time in considering my suggestion.

Regards,

**Medghyne Calonge | Human Resources Manager**

<https://youtu.be/dzXLQleQw8c>

P: [727.214.2640](tel:727.214.2640)

[mcalonge@1800accountant.com](mailto:mcalonge@1800accountant.com)

[\*\*800 Carillon Parkway Suite 250\*\*](#)  
[\*\*St. Petersburg, FL 33716\*\*](#)

--

**Amy Gaspari | Director of People Operations**

1.800.222.6868 ext. 1862  
[agaspari@1800accountant.com](mailto:agaspari@1800accountant.com)

260 Madison Avenue 10th Floor  
New York, NY 10016

**1-800ACCOUNTANT™**



[Click here to schedule a call with me!](#)

--

Amy Gaspari | Director of People Operations

1.800.222.6868 ext. 1862

[agaspari@1800accountant.com](mailto:agaspari@1800accountant.com)

260 Madison Avenue 10th Floor  
New York, NY 10016

**1-800ACCOUNTANT™**



[Click here to schedule a call with me!](#)

To ensure compliance with requirements imposed by the IRS, we inform you that any US federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein. If you are not the original addressee of this communication, you should seek advice based on your particular circumstances from an independent advisor. This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.